

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
May 4, 2009**

A meeting of the Board of Trustees for the Town of Fairplay was called to order at 6:30 p.m. in the Council Chambers located in the Fairplay Town Hall, 400 Front Street, by Mayor Fred Boyce. Those present included: Trustees Greg Johnson, Gabby Lane, John Deagan and Keith Wortman.

EXECUTIVE SESSION

Pursuant to C.R.S. 24-6-402 (4) (f) To discuss a personnel matter relating to the negotiations of an offer of employment for a Public Works Director.

Motion #1 by Mayor Boyce, seconded by Trustee Deagan, that the Board go into executive session at 6:31 p.m. for the purpose of discussing a personnel matter relating to the negotiations of an offer of employment for a Public Works Director pursuant to C.R.S. Section 24-6-402 (4) (f). Motion carried unanimously.

Mayor Boyce announced that the meeting was back to open session at 6:59 p.m. The participants in the executive session were: Mayor Boyce, Trustees Johnson, Deagan, Lane, and Wortman, and Town Attorney Lee Phillips. Mayor Boyce announced that no action was taken in the executive session.

CALL TO ORDER REGULAR MEETING OF THE BOARD OF TRUSTEES @ 7:00p.m.

A regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 7:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 400 Front Street, by Mayor Fred Boyce. Following the pledge of allegiance, roll call was answered by Trustees Greg Johnson, Gabby Lane, John Deagan and Keith Wortman. Also in attendance were Town Attorney Lee Phillips, Police Chief and Acting Public Works Director Dave Gottschalk, Water Plant Operator Jeff Goble, and Acting Town Clerk/Treasurer Donna Murray.

AGENDA ADOPTION

Motion #2 by Trustee Johnson, seconded by Trustee Wortman, that the agenda be adopted as presented. Motion carried unanimously.

APPOINTMENT OF NEW TOWN OFFICERS

Should the Board Approve Adoption of Resolution No. 2009-2, entitled, "A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Appointing Town Officers"?

Motion #3 by Mayor Boyce, seconded by Trustee Johnson, that the Board should approve adoption of Resolution No. 2009-2, entitled, "**A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Appointing Town Officers**". A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes.

Oath of Office for Town Officers

Mayor Boyce swore in Donna Murray as Town Treasurer and Tina Darrah as Town Administrator and Town Clerk.

A brief statement was offered by Trustee Wortman noting that the Town had received many good resumes for the positions and that he felt the positions had been filled with the most qualified applicants.

APPROVAL OF MINUTES - Regular Board Meeting April 20, 2009

Motion #4 by Trustee Johnson, seconded by Trustee Deagan, that the minutes be approved as presented. Motion carried unanimously.

APPROVAL OF EXPENDITURES – Approval of bill of various Town Funds

Motion #5 by Trustee Johnson, seconded by Mayor Boyce, that the expenditures be approved in the amount of \$38,381.78.

The following bills were discussed and verified: laser checks, 4.76 tons of asphalt, \$500 deductible for CIRSA, Ron Newman's bill for meeting with Nancy Stimson, Newman Traffic signs, Xerox Capitol, Tap Enterprises and Littlehorn Engineering.

After discussion a roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes.

CITIZEN COMMENT

Amanda Woodbury, read a letter to the Board in regards to the "Welcome to Fairplay" sign on her property. She told the Board that if they wanted the sign – it needed to be removed by May 19, 2009. It was noted that the Town does not own the sign, Ms. Woodbury acknowledged this fact. Ms. Woodbury gave Town Attorney Phillips a file on the sign. (Letter attached to the minutes and made a part of the record.)

Dale Fitting offered public comment in regards to events informing the Board that many businesses do not do well during special events and asked the Board to please consider this as they make future event and economic development plans. He also questioned the Board about the event organizers plans for charging for the music fest reiterating his concern for the retail businesses and voicing concern over the amount of money the Town committed to the organizer of the event. The Board assured him that Front Street would not be closed to retail customers during the music festival and further encouraged the business community to keep an open dialogue with them in regards to event especially during budget time

Mr. Fitting also offered comment in regards to the notice of property valuations that have recently been mailed, explaining that values have gone up and recommending that the community look at comparable sales, etc. to determine a true valuation.

Marie Chisholm offered public comment stating that the Town has put money into employee salaries at the expense of the streets. She urged the Board to look at funding street repairs and making contractors/developers accountable for the street improvements as they develop land and making the improvements conform to the code. She stated that the Board needs to put money into streets instead of salaries because there is a need for an overlay to be done and potholes to be filled. She went on to note that the water enterprise money cannot go to pay for streets – and vice versa – under labor law as it is an enterprise fund. She reminded the Board that Fairplay passed a 1% sales tax for street maintenance which cannot be used for salaries. She also stated that the streets are not being constructed properly, cracks are not being filled as needed, and encroachments are being allowed on the town property especially streets and alleys. She also stated that the Planning Commission would like to see the Town cleaned up and that she would like to see the junkyards on the highway cleaned up.

Trustee Deagan asked that Ms. Chisolm bring these items to town staff. Ms. Chisholm explained that she has tried this, but feels as though the staff doesn't do anything. Trustee Deagan encouraged her to try this again.

Ms. Chisholm concluded by stating that the residence at 4th and Bogue is an eyesore that doesn't do anything for the image of Fairplay.

PUBLIC HEARING

Should the Board approve Application for a Special Event Liquor License for South Park Sertoma to have a Beer Garden at 500 Front Street on July 25 and 26, 2009 from the hours of 9:00 am to 6:00 pm in conjunction with Burro Days?

Mayor Boyce opened the public hearing at 7:43 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment which was offered by Administrator/Clerk Darrah, stating that the application was complete and timely, all fees had been paid, and that as required, the property was posted with notice of the public hearing. She further

stated that no remonstrance's had been filed at the Town Hall and that the Police Chief had no issues with the request. She further offered a staff recommendation of approval.

Mayor Boyce then asked the applicant for their comments. Comment was offered by Bobbie Gore (last name?) on behalf of South Park Sertoma urging the Trustees to approve the permit, stating that this event is held annually with no prior problems and further stating that Sertoma requires training for servers and noting that the money made at this event goes back in to the local community.

Mayor Boyce asked for public comment in opposition to the application: none offered.

Mayor Boyce asked for public comment in favor of the application: none offered.

Mayor Boyce offered the applicant an opportunity for the last comment: none offered.

Motion #6 by Trustee Lane, seconded by Trustee Deagan, to approve the special event liquor license as applied for by South Park Sertoma for an event to be held on July 25 and 26 at 500 Front Street. Motion carried unanimously.

Mayor Boyce closed the public hearing at 7:47 p.m.

UNFINISHED BUSINESS

Should the Board Approve Adoption of Resolution No. 2009-3, entitled, "A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Approving the Execution of an Agreement with Konica Minolta for Lease of Copier Equipment."?

Town Attorney Phillips approved the lease as to form, but did note that the Town would be responsible for the equipment should it become disabled.

Administrator/Clerk Darrah noted that a non-appropriation addendum had been added to the contract documents making it legal for the Town to enter into the lease. Also noted that rival company did come in with a bid

Motion #7 by Trustee Johnson, seconded by Trustee Wortman, that the Board should approve adoption of Resolution No. 2009-3, entitled, "**A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Approving the Execution of an Agreement with Konica Minolta for Lease of Copier Equipment.**" A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes.

Discussion/Formal Action on Request for Parking Inset Clean-up for Clinic – Dale Fitting

Dale Fitting presented a request to the Board asking for Town Staff's help in removal of the old curb at the clinic site where they would like to put in a parking inset. He explained that the Board had previously approved this project, but only informally. He noted that the contractor creating the inset will cut the removed concrete into small pieces for ease of removal and to better allow the Town to re-use it as riprap on culverts.

Trustee Johnson noted that the contractor hired by the clinic will have to get a right of way permit and that the Town may be able to work with them on the fee.

Mr. Fitting noted that the contractor chosen will make the inset contiguous with the Senior Center.

Motion #8 by Trustee Lane, seconded by Trustee Johnson, that staff be authorized directed to participate in the clean-up of the parking inset at the clinic per Mr. Fitting's request. Motion carried unanimously.

Update on Fairplay Economic Development Commission/Economic Development Grant – Chuck Pisano

Chuck Pisano was present and gave a brief update on the Community Assessment Plan scheduled for May 5 meeting, beginning at the 9:00 a.m. at the Fair Barn.

Mr. Pisano also updated the Board on his efforts in regards to development of South Park Community College plans. He noted that he had meetings earlier in the day in regards to the college and briefly

explained who he is working with and the status of the plan. He explained that the State Legislature had passed a new law allowing kids to do five years high school and begin college courses in year three of high school. He stated that he is pushing for enrollment in this program for this fall.

Mr. Pisano stated that he is also working with CSU on community job development survey and that the person doing the survey had two questions for the Board: 1) Do you know of anyone looking for jobs in the natural resources and environmental sectors or of any employers; and 2) Do you have questions for her for her survey. He further invited the Board to the Community Job Development meeting in Alma on May 20th at 5:00 p.m. at the Alma Town Hall.

Mr. Pisano updated the Board in regards to the economic development grant that he and his wife, Carol, have been working on for Fairplay. He explained that the chances of receiving the grant or being able to fully comply with the application process were almost impossible. He noted that one of the requirements for the grant was the need for the applying community to be no more than 25% over the poverty line. He further noted that the Town has no money budgeted for this process this year.

He concluded by noting that he would talk to State Officials the next day and if it seems plausible, continue with the grant.

Other Pending Matters

Trustee Wortman offered comment explaining that the Forest Service had met with the Public Works Dept. in regards to getting rid of beetle kill trees at Cohen Park. He explained that there had been citizen complaints and that the Mayor had asked that the work be halted in order for the Town to determine under what authority the trees were being removed. He further stated that he had been out to inspect the site and the trees were infected and did need to be removed.

Public Works employee, Tony Arvin, was present to explain the history behind the request from CUSP and to explain the current process to remove the trees and get rid of the slash. He noted that he would get the name of the person he was working with from the State Forest Service to the Board the following day. He went on to explain that the CUSP is donating 300 trees a year for the next three years and the expected survival rate is ten to twenty percent.

Mayor Boyce explained that his concern was that the Board had not been notified of the tree removal, neither by staff nor by the Forest Service.

After discussion in regards to the possible infestation and how this has harmed other communities, an explanation of the type of tree the pine beetles and mistletoe fungus are attacking, and the proper procedure for the destruction of the infested wood – including chipper possibilities/burn pile/pellets, **the Board agreed to move forward with the removal of the unhealthy trees and burn or chip the slash.**

Mr. Arvin agreed to try and get a hold of a chipper for town clean-up day for use by citizens who may have trees that need to be removed.

Town Attorney Phillips read the section in the municipal code in regards to tree removal being mandatory if the tree is deemed a nuisance.

Trustee Deagan asked if the Police Chief had contacted the citizens from the last meeting who were concerned about the status of their neighbor's yard. Police Chief Gottschalk stated that he had spoken to them and that this is on the process of being corrected. Trustee Deagan did note that it is all private property and not a public right of way – just a utility easement.

Mayor Boyce asked if any bids had been received in regards to the gas bids. Treasurer Murray explained that as of today, none had been received.

NEW BUSINESS

Possible Gift of Sculpture – Chaz della Porta

Artist Chaz della Porta was present to discuss a sculpture entitled, "The Angel of Alma", that he would like to donate to the Town. He suggested a site at the north entrance to Fairplay. He explained that the sculpture is committed to be on display in Breckenridge until September of 2009 and then tentatively in Carbondale until September of 2010.

Trustee Johnson stated that he thought it was a great offer to the Town but asked about other locations than the one suggested by Mr. della Porta. Mr. della Porta agreed that he would be willing to entertain other sites. A brief discussion ensued in regards to the site, the surrounding landscape, the possible need for an engineer to evaluate the structure, and the name of the piece.

It was agreed that Town Attorney Phillips would bring back the necessary legal documents for the Town to accept Mr. della Porta's gift at the next meeting.

Park County Library - Patty Chapman and Linda Balough

Patty Chapman, Library Director for Park County, explained that the most current proposed site is on the same site as the current library site. She noted that they plan to maintain the integrity of the old courthouse, while building a 15,000 square foot new library building.

Ms. Chapman introduced the architects that will be designing the building, explaining that they did not have a lot of answers yet in regards to design and parking as they have only had the project since the 24th of April.

Discussion ensued among the Board, the architects and Ms. Chapman during which the following items were discussed: the need for the two buildings to respect each other in regards to size, placement, and character; concerns that the courthouse block be taken over by such a large facility; the reason that the site at the recreation center was no longer feasible; the reason that the road and bridge site was not chosen; the desire to improve access to and restore the old courthouse; the desire to provide for a connection to the old courthouse; the need to make all sides of the building accessible so as not to have a "front" or "back"; and, the desire to incorporate alternative energy technologies into the design.

Should the Board Approve Adoption of Resolution No. 2009-04, entitled, "A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Designating Those Persons Who Are Authorized to Sign on Town Bank Accounts."?

Motion #9 by Trustee Deagan, seconded by Mayor Boyce, that the Board should approve adoption of Resolution No. 2009-4, entitled, "**A Resolution of the Board of Trustees of the Town of Fairplay, Colorado, Designating Those Persons Who Are Authorized to Sign on Town Bank Accounts.**" A roll call vote was taken: Wortman – yes, Deagan – yes, Boyce – yes, Lane – yes, Johnson – yes.

Discussion/Action Regarding Purchase of Cash Receipting Module for Caselle Software

Staff comment was offered by Treasurer Murray explaining that this request is for the cash receipting module from Caselle. She explained that she currently has to manually add all entries and that this module will save her a great deal of time.

Motion #10 by Mayor Boyce, seconded by Trustee Johnson, that the Board should approve the expenditure of already budgeted funds of \$4875 for the purchase of the cash receipting module from Caselle.

Discussion: Trustee Johnson asked about the total bid for all modules and our need for them. Treasurer Murray noted that the cost for all modules that she would like is \$14,645, but that the most important one at this time is the cash receipting module. He further asked if the \$6500 budgeted is for the maintenance agreement with Caselle for the Town's current software. Treasurer Murray did not have an immediate answer. Administrator/Clerk Darrah recommended that the request be tabled for further research in to the availability of funds for this purchase.

Mayor Boyce withdrew his motion and asked that the item be tabled until the next regularly scheduled meeting. Consensus from the Board was offered.

Discussion/Action regarding Public Works Director Position

Motion #11 by Trustee Lane, seconded by Trustee Johnson, that Jeff Goble be hired as the Town of Fairplay Public Works Director at a salary of \$55,000 per year to begin immediately.

A roll call vote was taken: Wortman – no, Deagan – no, Boyce – yes, Lane – yes, Johnson – yes. Motion carries with town no votes and three yes votes.

Other New Business

Public Works Director Goble offered a brief update on the grant for the one million gallon storage tank. He explained that all paperwork had been turned in on Monday, April 27 and that he had not heard anything further at this point and that the engineering was still moving forward.

MAYOR AND TRUSTEE REPORTS

Trustee Wortman thanked Tony Arvin for his work on behalf of the Town and for working with other agencies and especially Park County Road and Bridge. He commended his work in helping to mend fences for the Town with outside agencies. Marie Chisholm stated that she had worked with Mr. Arvin in February, when a grave needed to be dug, noting that he did it even though the weather was very cold. She expressed her appreciation for his all of his efforts. Trustee Wortman asked that the Town make Mr. Arvin a permanent employee. Administrator/Clerk Darrah agreed to see to this immediately.

Mayor Boyce reported that the Casino Night fundraiser for the Fairplay Foundation had been successful; in raising funds for the purchase of fireworks.

Mayor Boyce suggested that an advisory board be formed for the Front Street Streetscape Project. He suggested soliciting Front Street merchants for this board. A brief discussion took place and no decision was made. Trustee Wortman agreed to get the plans to Town Hall.

Mayor Boyce thanked Donna Murray for all of her hard work as the Acting Town Clerk.

Trustee Lane asked if John Littlehorn had gotten the banner specifications to Town Attorney Phillips yet. Mr. Phillips stated that he had them and it was agreed that this would be in final format at the next meeting for discussion and possible approval by the Board.

Trustee Lane informed the Board that Ladies Run is looking for a location for a temporary tattoo shop. He asked if Town Hall might be an option. Town Attorney Phillips stated that it should be thought of as a policy matter, but must also be reviewed by the County Health Dept and CIRSA. Mr. Phillips agreed to discuss this with the County Health Director as a first step.

Trustee Lane noted that he is putting together a clean-up crew, at no cost to the Town, to conduct a cemetery clean-up day the weekend before Memorial Day. It was suggested that the Town could provide a truck for debris. The Board agreed to the project and the requested staff and equipment involvement.

Trustee Johnson asked if an informational flyer could be made that would go out with the water bills explaining to citizens how to protest their property valuation and with all area real estate sale included for comparison purposes. This was briefly discussed and it was agreed that this would not be pursued.

Trustee Johnson mentioned the possibility of a grant to help the Town do an historic building survey. He suggested that Ms. Darrah contact Linda Balough and find out more information, including the grant deadline.

ADJOURNMENT

Mayor Boyce, noting that there being no further business before the Board, declared that the meeting be adjourned at 9:50 p.m.

Fred Boyce, Mayor

Attest: _____
Tina Darrah, Town Clerk